

**REMARKS**

Claims 14-35 and 40-44 are pending in this application.

Claims 1-13 and 36-39 have been previously canceled without prejudice or disclaimer. Claims 14-28 are presently canceled without prejudice or disclaimer.

After the entry of this amendment, Claims 29-35 and 40-44 are pending.

No new matter has been added.

**REQUIREMENT FOR SPECIES SELECTION**

M.P.E.P. § 803 provides: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." In addition to showing the serious burden, the Patent Office is also under an obligation to demonstrate that the species are independent and/or distinct. M.P.E.P. § 806.04(b). The Applicant further submits that a reasonable number of species may still be claimed in one application under 37 C.F.R. § 1.141 and M.P.E.P. § 806.04(a).

By this amendment, Claims 14-28 directed to *in vitro* methods for producing CAPRI cells have been canceled.

With respect to remaining claims directed to methods for treating cancer (Claims 29-35 and 40-44), Applicant elects provisionally, with *traverse*, the following elections, with respect to individual steps recited in independent Claim 29. Applicant submits that the elections set forth below were made for searching purposes only. Applicant reserves a right to petition.

With respect to step (a) reciting the primary stimulation *in vitro*, the combination of anti-CD3 antibodies and interleukin-2 (IL-2) is elected. Claims 29-35 and 40-44 are readable on the elected species.

With respect to step (b), an election is not required.

With respect to step (c), the addition of another agent for the activation of naïve PBMC is not required. Claims 29-35 and 40-44 are readable on the elected species.

With respect to step (d), an election is not required.

With respect to step (e) reciting administering the CAPRI cells into a cancer patient, an election is not even necessary since it is a requisite step. To be responsive to the Office Action (election requirement set forth in paragraph 7), a method that comprises administering the CAPRI cells into a cancer patient is elected. Claims 29-35 and 40-44 are readable on the elected species.

With respect to steps (a) and (b) reciting the utilization of PBMC, the PBMC that are derived from a single cancer patient (as recited in Claim 41) is elected. Claims 30-35, 40-41, and 43-44 are readable on the elected species.

With respect to the type of disease amenable to treatment by methods recited in Claims 29-35 and 40-44, breast carcinoma is elected. Claims 29-35 and 40-44 are readable on the elected species.

Applicant expressly reserves the right to traverse any subsequent divisions made by the Examiner of the present invention into "inventive groups" following the present provisional species election for examination. Applicant has no intention of abandoning any non-elected subject matter, and should it be necessary, Applicant expressly reserves the right to file one or more continuation and/or divisional applications directed to non-elected subject matter.

**CONCLUSION**

Based on the current amendments and arguments presented, the withdrawal of the requirement for election of species is requested. Further and favorable consideration of the claims based on the merits is respectfully requested.

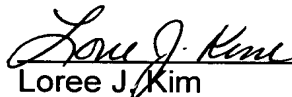
In the event that there are any questions concerning this amendment, or the application in general, the Examiner is invited to contact the undersigned by telephone to advance the prosecution of the present application.

Respectfully submitted,

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